

# Procedures for Law Enforcement Officers Utilizing the Lethality Assessment Tool

There are four primary components involved in the utilization of a lethality assessment tool. Please note the information below is a generalization of the process as each assessment tool will require specialized training and procedures.

The Law Enforcement Training and Technical Assistance Consortium [LETTAC](#) and the International Association of Chiefs of Police [IACP](#) may provide additional information for law enforcement officers using an assessment



## 1. Assessing the Scene

Before administering the assessment, responding officers should first identify whether the case involves intimate partner violence (IPV) and complete an initial investigation.

### Identify Domestic Violence or Other Related Crimes

Dispatchers may not know whether the case involves IPV. Therefore, evidence revealing a IPV component to the crime may not be discovered until the law enforcement officer is conducting the initial investigation on the scene. Perpetrators of IPV often commit adjacent crimes in their attempts to gain power and control.[8] For example, an officer may respond to a “reckless driving crime” or a “property damage crime” and, upon assessing the scene, notice signs related to a pattern of IPV. Being able to accurately determine if a case involves IPV is essential for the proper use of lethality assessment tools.

### Identify the Aggressor

After establishing a crime has occurred, the responding officer needs to identify the aggressor and the victim. The lethality assessment tool must only be administered to the victim. All law enforcement officers must be trained in Defense of Self, Others, or Property (DSOP) prior to utilizing the assessment tool. In some cases, both parties may have used force, and it is critical to consider additional information such as each party’s history with violence. Officers should determine whether force was used in DSOP. A victim’s arrest may lead to increased danger and further victimization. It can significantly decrease the likelihood of the victim seeking assistance from or cooperating with the criminal justice system and lessen the ability to prosecute the case.

[8] Kansas Governor’s Advisory Council on Domestic and Sexual Violence Response (September 2017). *Law enforcement domestic violence training curriculum: The investigation*. [Training curriculum, presenter notes].

To determine if Defense of Self, Others, or Property (DSOP) is present, officers should consider: [9]

- The existence of offensive and defensive injuries
- A prior history of violence and/or abuse
- The size, strength, and bulk of the parties
- The relative severity and extent of the injuries
- The likelihood of future harm to each party
- The relative fear of each party to the other
- Any other evidence available to the officer

For more information on DSOP training, contact a law enforcement training site near you, and review [K.S.A. 22-2307](#).

## 2. Administering the Lethality Assessment Tool

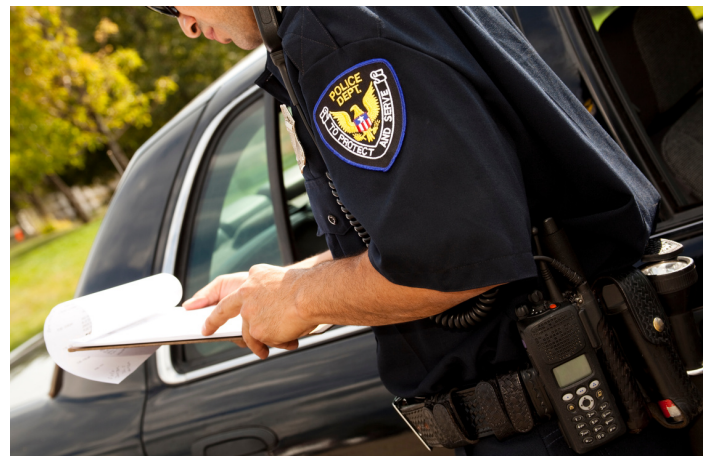
After the initial response, determination, and investigation, when an officer has separated the victim and perpetrator, the officer will ask the victim a series of questions on the assessment form.

### Obtain Consent

Law enforcement should not assume victims are prepared to discuss or disclose their experience of violence. Intimate partner violence is violating and traumatic. The victim may expect privacy and/or may be reluctant to participate in the legal process. **Law Enforcement Officers must obtain consent from the victim before administering the lethality assessment tool.** Additionally, the law enforcement officer shall inform the victim what the assessment encompasses and who will have access. The lethality assessment is discoverable in court; therefore, if charges are filed the perpetrator can access the information the victim discloses. A perpetrator's ability to see what a victim has reported about the fear and violence they have experienced can have dangerous consequences for the victim's safety. The officer should reassure the victim that their participation is voluntary, and they may stop sharing at any time. After the law enforcement officer has provided this information, **the victim must agree to proceed with the assessment.**

### Administer the Assessment

Law enforcement officers are encouraged to use a relational approach while administering each question in the assessment to create an environment where the victim feels comfortable. Given that assessments have undergone rigorous testing in their exact written form, adapting or changing the original questions on the tool hinders its function in effectively predicting risk. However, officers may ask additional questions for purpose of the investigation without impacting the validity of the tool.



The victim's answers to the assessment questions help the law enforcement officer gather a history of the relationship and contextualize the elements of power and control. While the answers to these questions may contribute to or overlap with other narratives in the report, the assessment should never replace the Kansas Standard Offense Report.

### Ask Follow-Up Questions

The law enforcement officer should use information gathered in the lethality assessment to seek additional context by asking clarifying questions. For example, if the victim reports firearms in the home, the officer could ask follow-up questions about how many firearms exist in the home, where and how they are stored, and what type they are. Even though these questions are not on the assessment tool, it can be helpful for the victim's safety planning, the investigation, and the safety of the law enforcement officer.

[9]Kansas Governor's Advisory Council on Domestic and Sexual Violence Response (September 2017). Law enforcement domestic violence training curriculum: The investigation. [Training curriculum, presenter notes].



### **3. Screening for Risk Level**

The number of “yes” responses are calculated, and this score indicates risk level.

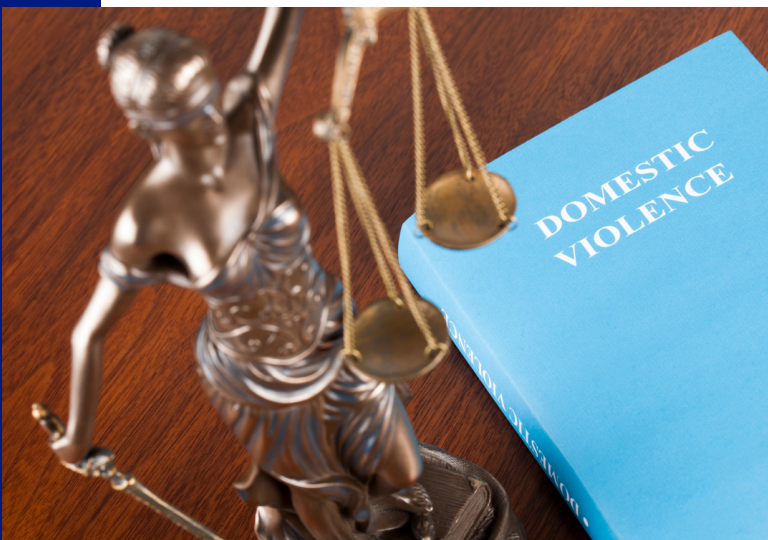
#### Officer Override

Some lethality assessment tools include the option of a law enforcement officer-override. Officers can mark the assessment as “high-risk” based on their best judgment, even if victims do not score “high-risk” from responses to the questions. There are several potential reasons victims’ responses to the assessment may not score “high-risk,” such as fear of their answers getting back to the perpetrator, or memory lapse due to trauma, intoxication, or physical injuries. A law enforcement officer override option allows officers to recommend a further review of the case, connect the victim with services, and refer the case to an HRT.

#### **Law Enforcement Policy for On-Scene Lethality Assessment**

#### Inform the Victim of Risk and Services

After administering the lethality assessment tool, the officer must inform the victim about community-based and law enforcement-based domestic violence services. A victim scoring high-risk should be informed of the risk and offered the opportunity to connect directly with an advocate on-scene or by phone. The law enforcement officer must follow its department’s domestic violence procedures and provide the victim with required resources (K.S.A. 2021 Supp. 22-2307).

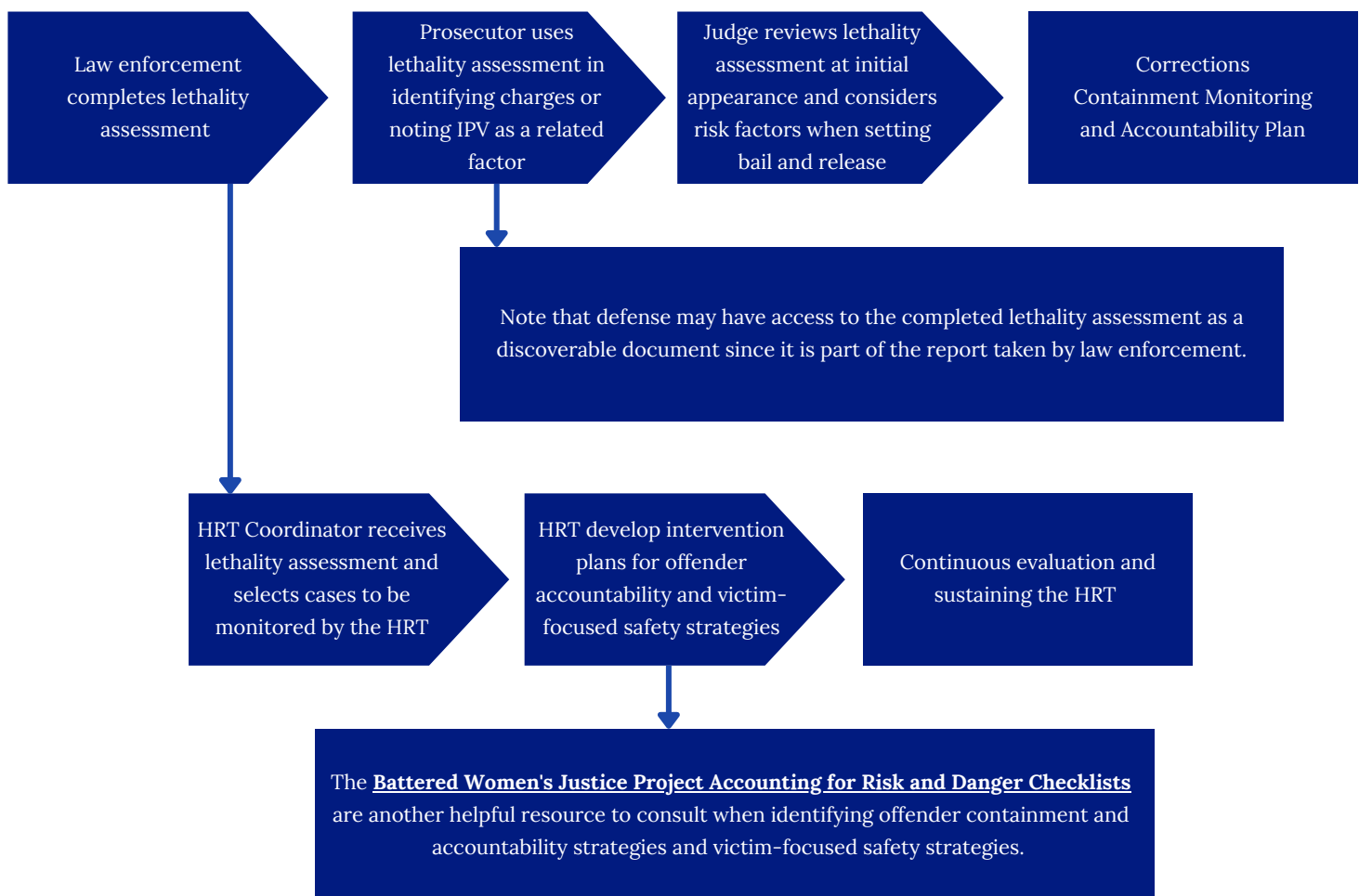


#### 4. Utilizing the Lethality Assessment in the Criminal Justice Process

The completed lethality assessment tool should be attached to the law enforcement officer's final report, which can be utilized throughout the criminal justice system. The HRT determines the policy and procedure needed to ensure the completed assessment tool is made available to the appropriate criminal justice system personnel and/or community-based domestic violence services. And, describe how the information will be kept confidential. For example, the completed lethality assessment should be available to the prosecutor when determining charges and to the judge at the initial appearance. The judge may consider the lethality assessment tool when setting bail and release conditions. As a discoverable document, the defense also has access to the lethality assessment tool.



Below is an example how a lethality assessment report may be utilized in the criminal justice system. The system mapping and statutory framework analysis information will be helpful when determining at which stage in the criminal justice system the completed lethality assessment is relevant to share.



*Review section "Utilizing Risk Assessments" page 9 on how to incorporate additional assessments throughout the criminal justice process to increase safeguards for victims.*